Single Bench

1007 (4) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 4562 OF 2006

PETITIONER: H.C. Saxena, Son of Shri Rajendra Prasad Saxena, aged about 55 years Posted as N.M.S., in Primary Health Centre, Ratanpur, District Bilaspur (C.G.)

P.R. No. 4603/06
Presented by Shri Bashkar Dubey
dated 22/8/06

VERSUS

RESPONDENTS:

1. State of Chhattisgarh, through: the Secretary, Department of Health and Family Welfare, D.K.S. Bhawan, Mantralaya, Raipur (C.G.).

RECEIVED-COPY
22/8/06
CLERK to A. G. BILASPUR

2. Under Secretary Department of Health and Family Welfare, D.K.S. Bhawan, Mantralaya, Raipur (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION ETC.

XI-HC-78

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP(S) 4562 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30.8.2006

Mr. Bhaskar Payasi, Advocate for the petitioner.

Mr. Satish Gupta, Dy. G.A. for the State on advance copy.

Heard.

By the instant petition, the petitioner has challenged his transfer order dated 7.7.2006 (Annexure P-1) whereby he has been transferred from Primary Health Centre, Ratanpur to Primary Health Centre, Lormi, District Bilaspur.

The main ground of challenge is that the petitioner has been shown to be transferred at his own request, whereas, the petitioner has never made any request for his transfer, therefore, the impugned order is passed on wrong premises.

In the circumstances, learned counsel for the petitioner submits that in order to bring this anomaly to the notice of respondent No.1, the petitioner may be allowed to make a detailed representation to respondent No.1 and in turn, he be directed to decide the same in accordance with law, to which Shri Gupta, learned Dy. Govt. Adv. for the State has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, without expressing any opinion on the merit of the case, the petitioner is allowed to make a detailed representation to respondent No.1 raising all the grievances within 10 days from today along with copy of this petition and in turn, respondent No.1 to decide the representation of the petitioner within a period of 30 days from the date of receipt of representation in accordance with law after considering all the grievances raised by the petitioner.

In the meantime, till the decision of the representation the effect and operation of the impugned order dated 7.7.2006 (Annexure P-1) in respect of the petitioner shall remain stayed.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.3519/06 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C.Bhadoo
Judge

2.9.06